

Absent—Excused

Hill Small

Question then recurring on the motion of Senator Shivers, it prevailed.

Adjournment

On motion of Senator Van Zandt, the Senate, at 11:40 o'clock a. m., adjourned until 10:00 o'clock a. m. tomorrow.

NINETEENTH DAY

(Thursday, February 9, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent—Excused

Hill Small

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Hill was granted leave of absence for today, on account of important business, on motion of Senator Aikin.

Senator Small was granted leave of absence for today, on account of illness, on motion of Senator Spears.

Reports of Standing Committees

Senator Spears submitted the following report of the Committee on Labor:

Austin, Texas,
February 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

S. B. No. 39, A bill to be entitled "An Act to Amend an Act of the Legislature passed in 1905, entitled 'Owners May Weigh & Etc.' Pertaining to Public Weighers and other Acts of the Legislature pertaining to the office of Public Weigher, and other persons engaged in weighing for the Public, and repealing all laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SPEARS, Chairman.

Senator Sulak submitted the following report of the Committee on Towns and City Corporations:

Austin, Texas,
February 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 173, A bill to be entitled "An Act providing that all cities having a population of not less than 1,251 nor more than 1,259 may extend their corporation lines for school purposes only, providing the rights of scholastic children on the remaining part of the common school districts shall not be affected by the change; prescribing the proportion of taxes and school debts that the added territory shall bear; fixing the duty of assessing and collecting school taxes; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Acting Chairman.

Senate Bills on First Reading

The following bills were introduced, read severally first time, and referred to the committees indicated:

By Senator Brownlee (by request):

S. B. No. 174, A bill to be entitled "An Act regulating and controlling the business or occupation, and those engaged in the business or occupation of Painting, Decorating or Paperhanging, providing for the registration of persons engaged in such business or occupation; making it unlawful to engage in such business directly or indirectly without complying with this Act; providing for application for the issuance of licenses and the fees therefor; providing for the refusal, suspension or revoking of licenses and the method of procedure to be followed at hearings and for appeals from the decisions of the Board created; defining offenses against the Act and the punishment therefor; defining false swearing under the Act; providing for the creation of the State Board of Contracting Painters, Decorators and Paperhangers Examiners, the appointment, qualifications, compensation and powers of the members of the Board, for the appointment of a Secretary, for the appropriation and disposition of funds collected by the Board; giving the State Board of Health the power to make reasonable sanitary and safety rules and regulations for the conduct of the business, providing for permanent records of the Board, providing that if any part of this Act shall be declared unconstitutional it shall not affect any other part thereof, and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Spears:

S. B. No. 175, A bill to be entitled "An Act authorizing independent school districts, and cities which have assumed the control of public schools situated therein to build or purchase buildings and grounds located within or without the district or city, for the purpose of constructing gymnasias, stadia, or other recreational facilities, and to mortgage and encumber the same, and the income thereof, and to evidence the obligation therefor by the issuance of bonds to secure the payment of funds to purchase or construct or to purchase and con-

struct the same; providing that the purchaser shall have a franchise to operate same in case of foreclosure; providing that no such obligation shall ever be a debt of any such school district or city, but solely a charge upon the property so encumbered; providing that no election for the issuance of such bonds shall be necessary, providing that the governing body of any such school district or city may in its discretion and as additional security for such bonds, encumber and pledge other income and revenues accruing to the athletic fund; providing that such project shall be deemed self-liquidating in character; providing that the cost of maintaining and operating the project shall be a first charge against the revenues of the project; providing that such bonds shall be payable from the net revenues of the project, together with all future extensions or additions thereto, or replacements thereof; providing for the payment of said bonds; providing that the holder of said bonds shall never have the right to demand payment thereof out of any funds raised or to be raised by taxation; providing that said bonds shall be approved by the Attorney General and registered by the State Comptroller; providing that no bonds authorized to be issued or executed after the expiration of one year from the effective date of this Act; providing that no land upon which is situated school improvements shall be subject to the indebtedness created hereunder; validating acts heretofore performed by school districts; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency."

Referred to Committee on Education.

Senate Bill 173 on Second Reading

On motion of Senator Sulak and by unanimous consent, Senate rules 31a and 48 were suspended to permit consideration of S. B. No. 173 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 173, A bill to be entitled "An Act providing that all cities having a population of not less than 1,251 nor more than 1,259 may ex-

tend their corporation lines for school purposes only, providing the rights of scholastic children on the remaining part of the common school districts shall not be affected by the change; prescribing the proportion of taxes and school debts that the added territory shall bear; fixing the duty of assessing and collecting school taxes; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 173 on Third Reading

Senator Sulak moved the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 173 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Absent—Excused

Hill	Small
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The President laid S. B. No. 173 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Lanning
Beck	Lemens
Brownlee	Martin
Burns	Metcalf
Collie	Moffett
Cotten	Moore
Graves	Nelson
Hardin	Pace
Head	Redditt
Isbell	Roberts
Kelley	Shivers

Spears	Sulak
Stone	Van Zandt
of Galveston	Weinert
Stone	Winfield
of Washington	

Absent—Excused

Hill	Small
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House Bill 271 on Third Reading

The President laid before the Senate on its third reading and final passage:

H. B. No. 271, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts, and/or independent consolidated school districts which include within their limits a city or town which according to the last preceding Federal Census had a population of not fewer than four thousand one hundred thirty (4,130), and not more than four thousand one hundred eighty (4,180) inhabitants, whether organized under General or Special Law; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Absent—Excused

Hill	Small
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House Bill 159 on Second Reading

Senator Martin moved that the legislative rule adopted pursuant to Section 5 of Article 3 of the Constitution, relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that H. B. No. 159 be considered by the Senate at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent—Excused

Hill Small

On motion of Senator Martin and by unanimous consent, Senate rule 31a was suspended to permit consideration of H. B. 159 at this time.

The President laid before the Senate, on its second reading and passage to third reading:

H. B. No. 159, A bill to be entitled "An Act granting permission to A. B. Murdock to bring suit against the State of Texas and/or Highway Department in a Court of competent jurisdiction, for damages resulting by reason of the Texas Highway Department withholding a certain sum as liquidated damages, which is due and owing to the said A. B. Murdock, for labor and material furnished in the building of Texas State Highway No. 34 in Tarrant County, Texas; providing that any judgment so recovered to be paid out of the funds of the Highway Department of the State of Texas; providing that if any provision of this Act shall be invalid, the invalidity of the provisions thereof shall not be affected, and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to third reading?

On motion of Senator Martin, the bill was tabled subject to call.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives, Austin, Texas, February 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 47, A bill to be entitled "An Act to amend Article 2462, Revised Civil Statutes of 1925, as amended by Acts of the Forty-first Legislature, Regular Session, Chapter 17, page 46, Section 1, providing for the receiving, lending, and investing of funds of Credit Unions, and the regulating thereof; and amending Article 2475, Revised Civil Statutes of 1925, as amended by Act of 1929, Forty-first Legislature, Regular Session, Chapter 17, page 46, providing for the lending of the capital, deposits and surplus funds of the Association and the deposit thereof; and amending Article 2477, Revised Civil Statutes of 1925, as amended by Act of 1929, Forty-first Legislature, Regular Session, Chapter 17, page 46, Section 1, providing the conditions under which loans may be made by Credit Unions; and amending Article 2484, Revised Civil Statutes of 1925, as amended by Act of 1929, Forty-first Legislature, Second Called Session, Chapter 85, page 168, Section 1, as amended by Act of 1937, Forty-fifth Legislature, Regular Session, Chapter 117, page 217, Section 1, providing for reports to the Banking Commissioner, and the fees therefor, and providing for a penalty for failure to file such reports; and providing for certain exemptions from taxation, and declaring an emergency."

H. B. No. 311, A bill to be entitled "An Act making certain emergency appropriations for the General Land Office, and declaring an emergency."

The House has concurred in the Senate amendments to H. B. 360 by vote of 127 yeas and 1 nay.

Respectfully submitted,

E. R. LINDLEY, Chief Clerk,

House of Representatives.

House Bills on First Reading

The following bills received from the House today, were laid before the Senate, read severally first time, and referred to the committees indicated:

H. B. No. 47, to Committee on Banks and Banking.

H. B. No. 311, to Committee on Finance.

Message from the Governor

The President laid before the Senate, and had read, the following message from the Governor:

Austin, Texas,
February 9, 1939.

To the Members of the Forty-sixth Legislature:

On behalf of thousands of CITIZENS of Texas from whom I have just received an avalanche of letters and telegrams who believe that they have the right to express their wishes to the Legislature, and acting in my official capacity as Governor, I desire to inform you that we are opposed to inflicting the death penalty for any crime.

FIRST, because we do not believe the State has the moral right to take the life of anyone.

SECOND, the study which I have made leads me to believe that the death penalty has been ineffective in preventing crime.

THIRD, we believe that to substitute an irrevocable life sentence for the death penalty would more effectively serve to prevent crime and punish the criminal.

I therefore submit to you as emergency legislation the subject of repealing the laws which authorize the death penalty, and substituting in lieu thereof an IRREVOCABLE life sentence.

Respectfully submitted,
W. LEE O'DANIEL,
Governor of Texas.

House Bill 179 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 179, A bill to be entitled "An Act authorizing the Old Age Assistance Commission to pay interest on warrants issued against the Texas Old Age Assistance Fund; making appropriations therefor; restricting the total amount to be paid on account of any warrant issued for a given month; prescribing the powers and duties of certain State officials in reference thereto; prescribing the

maximum rate of interest to be paid; providing that authority conferred in this Act shall not be limited by the provisions of Section 6 of Chapter 472, Acts of the Second Called Session of the Forty-fourth Legislature; providing for the payment of any warrants issued under the provisions of this Act; limiting the amount of warrants to be issued hereunder to not more than Nine Hundred Thousand (\$900,000.00) Dollars and further providing that no such warrants on which interest is to be paid shall be issued after September 1, 1939; making this Act cumulative of other laws by providing that it shall take precedence over any law conflicting herewith, and declaring an emergency."

The bill was read second time.

Senator Redditt offered the following amendment to the bill:

Amend H. B. No. 179 by striking out Sections 6 and 7 thereof and insert in lieu thereof the following:

Section 6. a. It is provided that the Treasurer of the State of Texas shall call all warrants now outstanding that have heretofore been issued under the authority and provisions of Chap. 496, p. 2084, Acts 1936, Forty-fourth Legislature, Third Called Session, and he is directed and authorized to pay said warrants, together with interest thereon, out of the Texas Old Age Assistance Fund, according to the following schedule:

On October 10, 1939 warrants in the amount of \$130,987.00 shall be called and paid by the Treasurer, together with interest thereon, and on the 10th day of each month thereafter, the Treasurer is directed and authorized to call and pay the remaining outstanding warrants in the amount of \$200,000.00 per month, together with interest thereon, until such time as all outstanding warrants hereinabove referred to shall be called and paid in full, and there is hereby appropriated out of funds allocated in present and/or future laws to the Old Age Assistance Fund a sum sufficient to pay said obligations and the interest thereon.

b. The Treasurer of the State of Texas is directed and authorized to call and pay all warrants that might hereafter be issued under and by virtue of the provisions of this Act in approximate equal monthly install-

ments on the 10th day of the months May, 1940 to September, 1940, both inclusive, together with interest thereon, out of the Texas Old Age Assistance Fund, and there is hereby appropriated out of funds allocated in present and/or future laws to the Old Age Assistance Fund a sum sufficient to pay said obligations and the interest thereon.

Section 7. (1) That the Old Age Assistance Commission be and is hereby authorized and directed to offer to and deliver to the holder, or holders, of the warrants which may be issued under the provisions of this Act and of the warrants heretofore issued for Old Age Assistance under authority of Chap. 496, p. 2084, Acts 1936, Forty-fourth Legislature, Third Called Session, and now outstanding, the State's obligation in the same principal amount, or amounts, in such forms and denominations as shall be determined by such Commission, approved by the Attorney General, and acceptable to such holder, or holders, bearing interest at not to exceed 1.6 per cent per annum or not to exceed the rate of interest which shall be paid on or on account of the warrants which may be issued under the terms of this Act, whichever rate is the lower. Said obligations shall bear dates to be fixed by the Commission and shall mature exactly according to the schedules set out in Section 6 hereof.

(2) Upon exchange of the original warrants for the obligations authorized hereunder, the State Treasurer shall retain in his possession in escrow as trustee said original warrants until the obligations herein authorized are paid in full, and the holder, or holders, of such obligations, in addition to all other rights, shall be subrogated to the rights of the holders of such original warrants. Upon payment of such obligations said original warrants shall be canceled by the State Treasurer. There is hereby appropriated out of funds allocated in present and/or future laws to the Old Age Assistance Fund a sum sufficient to pay said obligations and the interest thereon.

(3) Interest on such original warrants shall be paid in accordance with the contract or contracts under which they were issued up to the date of the exchange for the obligations authorized herein.

(4) Such obligations to be substituted therefor shall be eligible to se-

cure deposits of all funds of the State of Texas, and of counties, cities, districts, and political subdivisions of and in the State of Texas on the basis of one dollar principal amount of such obligations for each dollar of deposited funds.

(5) The Governor, State Treasurer, Attorney General, Texas Old Age Assistance Commission, Comptroller of Public Accounts, and the Secretary of State are hereby directed to do any and all things necessary to accomplish the purposes of this Section.

(6) When such obligations shall have been issued in accordance with a resolution adopted by the Texas Old Age Assistance Commission and shall have been approved by the Attorney General, they shall be incontestable and the full faith and credit of the State shall be pledged to their payment.

The amendment was adopted.

Senator Redditt offered the following amendment to the bill:

Amend the caption to conform to changes in body of the bill.

The amendment was adopted.

The bill was passed to third reading.

House Bill 179 on Third Reading

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 179 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Absent—Excused

Hill Small

The President then laid H. B. No. 179 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Absent—Excused

Hill Small

Reports of Standing Committees

Senator Moore, by unanimous consent, submitted at this time the following report of the Committee on Game and Fish:

Austin, Texas,
February 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 30, A bill to be entitled "An Act amending Chapter 10, Special Laws, Forty-fourth Legislature, enacted in the year A. D. 1935; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Senator Spears, by unanimous consent, submitted at this time the following report of the Committee on Mining, Irrigation and Drainage:

Austin, Texas,
February 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 316, A bill to be entitled "An Act validating the organization of Water Control and Improvement Districts created by authority of Chapter 25, Acts of the Thirty-ninth Legislature, and amendments thereto in any county in the State of Texas having a population of not less than three thousand, seven hundred and fifty (3,750) and not more than three thousand, eight hundred (3,800), according to the last preceding Federal Census; and validating all acts of the officials in creating such Districts; and validating all bonds issued and all bonds voted but not yet issued by such Districts; validating all acts of the officials of said District; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

House Bill 316 on Second Reading

Senator Spears moved that the legislative rule adopted pursuant to Article III, Section 5, of the State Constitution, relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that H. B. No. 316 be considered by the Senate at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Absent—Excused

Hill

Small

On motion of Senator Spears, and by unanimous consent, Senate rules 31a and 48 were suspended to permit consideration of H. B. No. 316 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 316, A bill to be entitled "An Act validating the organization of Water Control and Improvement Districts and validating all acts of the officials in creating such Districts; and validating all bonds issued and all bonds voted but not yet issued by such Districts; validating all acts of the officials of said District; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 316 on Third Reading

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 316 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Absent—Excused

Hill

Small

The President then laid H. B. No. 316 before the Senate on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Absent—Excused

Hill

Small

Message from the House

A clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, February 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 76, A bill to be entitled "An Act of the Legislature of the State of Texas making it unlawful to transport minnows beyond the limits of Williamson County that are taken from any water in Williamson County for the purpose of barter and sale and fixing the penalty and declaring an emergency."
(With amendments.)

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

Additional Signers of Bill

On motion of Senator Brownlee, it was ordered that the names of the following Senators be added to S. B. No. 78 as signers thereof:

Senators Moffett, Martin, Winfield, Stone of Galveston, Graves, Head, Lemens, Metcalfe, Spears, Aikin, Kelley, Beck and Moore.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, February 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 34, Offering assistance to the Republic of Chile.

Respectfully submitted,
E. R. LINDLEY, Chief Clerk,
House of Representatives.

House Concurrent Resolution 34

The President laid before the Senate:

H. C. R. 34, Authorizing assistance to the Republic of Chile by the State Health Department.

The resolution was read; and on motion of Senator Spears and by unanimous consent, it was considered at this time and was adopted.

House Bill 159 on Passage to Third Reading

By unanimous consent, Senator Martin called H. B. No. 159 from the table for further consideration at this time.

The President laid the bill before the Senate, on its passage to third reading (the bill having been read second time and tabled subject to call today).

Senator Martin offered the following amendment to the bill:

Amend House Bill No. 159 by adding after the word "whereas" at the beginning of paragraphs first, second and third, the words "It is alleged".

The amendment was adopted.

The bill was passed to third reading.

House Bill 159 on Third Reading

Senator Martin moved that the constitutional rule requiring bills to be read on three several days be sus-

pending and that H. B. No. 159 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Absent—Excused

Hill Small

The President laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Absent—Excused

Hill Small

Senate Bill on First Reading

By unanimous consent, the following bill was introduced, read first time, and referred to the committee indicated:

By Senator Spears:

S. B. No. 176, A bill to be entitled "An Act to aid Conservation Districts, Navigation Districts, Con-

servation and Reclamation Districts, Flood Control Districts, and River Authorities, created by the Acts of the Legislature of this State, in carrying out the powers, duties and functions conferred upon such Districts and River Authorities by the Legislature; granting and donating to such Districts and River Authorities for a period of twenty years, Fifty (50%) per cent of all the State ad valorem taxes for general revenue purposes upon the property and from persons in counties comprising, in whole or in part, such Districts or River Authorities, and declaring an emergency."

Referred to Committee on Mining, Irrigation and Drainage.

Senate Bill 33 on Second Reading

Senator Redditt moved that the legislative rule adopted pursuant to Section 5 of Article III of the State Constitution, relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature, be suspended and that S. B. No. 33 be considered by the Senate at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Absent—Excused

Hill	Small
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The President laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 33, A bill to be entitled "An Act to require all purchasers of trees and timber, or either of them, in the form of logs, staves, shingles, pulp wood, or any of them to obtain a bill of sale therefor from the seller,

providing what shall be contained in such bill of sale; providing penalties for violation of this Act, and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

On motion of Senator Redditt, the bill was tabled subject to call.

Senate Bill 76 with House Amendments

Senator Brownlee called S. B. No. 76 from the President's table for consideration of the House amendments to the bill.

The President laid the bill before the Senate, and the House amendments were explained by Senator Brownlee.

Question—Shall the Senate concur in the House amendments?

The Senate concurred in the House amendments by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Absent—Excused

Hill	Small
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Senate Bill 86 on Second Reading

Senator Stone of Galveston moved that the legislative rule adopted pursuant to Article III, Section 5 of the Constitution, relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature, be suspended and that S. B. No. 86 be considered by the Senate at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Absent—Excused

Hill	Small
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The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 86, A bill to be entitled "An Act declaring and designating the Brazoria County coast line a State Park and dedicating it to the general public for use as a Texas State Park."

The bill was read second time and was passed to engrossment.

Senate Bill 86 on Third Reading

Senator Stone of Galveston moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 86 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Absent—Excused

Hill	Small
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The President then laid S. B. No. 86 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Absent—Excused

Hill	Small
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Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives, Austin, Texas, February 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 33, Changing the date for the Honorable Nathan Straus to address a Joint Session of the House and Senate.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

Bills Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bills and resolution:

H. B. No. 367, "An Act to validate all county line independent rural high school districts partly situated in three (3) counties, the supervision of said schools being located in counties having a population of not less than eleven thousand, four hundred and twelve (11,412) nor more than eleven

thousand, nine hundred (11,900), as shown by the last preceding Federal Census, validating the actions of the County School Board of Trustees of such counties; validating all proceedings and actions of said Boards of Trustees; providing a saving clause; and declaring an emergency."

H. B. No. 321, "An Act amending Article 5139 of the Revised Civil Statutes of Texas (1925) by adding a new Article to be known as Article 5139A providing for the establishment of a Juvenile Board in counties having a population of sixty-four thousand (64,000) inhabitants and not more than sixty-five thousand (65,000) inhabitants, according to the last preceding Federal Census, providing for the compensation of the members of said Board, and declaring an emergency."

H. B. No. 276, "An Act to prohibit the use of any trap, seine or net of any kind or character for the purpose of taking or catching any fish out of the west fork or tributary of the Trinity River in Wise County, Texas, for a period of three (3) years from and after the effective date of this Act; prescribing a penalty therefor, providing, however, that this Act shall not prohibit the use of a minnow seine in such river, and declaring an emergency."

H. B. No. 209, "An Act to validate, ratify, approve confirm and declare enforceable all levies and assessments of ad valorem taxes heretofore made by county line independent school districts, partly situated in three or more counties, the supervision of said school being located in counties having a population not less than 17,000 nor more than 17,500, as shown by the last preceding Federal Census, not in excess of a limit now provided by law. Such levies validated are the same as are now on record in the Auditor's Division of the State Department of Education. Such levies and assessments are void or unenforceable because the same were made and adopted by resolution, motion, or other informal action, and because of the failure of the governing body of such districts to appoint the proper and statutory Board of Equalization; and which are insufficient and void; or unenforceable on account of technical irregularities in the manner of preparing the books and reports of Assessors assessing such prop-

erty; and all equalizations of said valuations, etc., and declaring an emergency."

H. B. No. 201, "An Act to amend Section 1 of Article 2691b, Chapter XI, Title 49 of the Revised Civil Statutes of Texas of 1925, as enacted by the First Called Session of the Forty-second Legislature, and being found in the Acts of 1931, Chapter XXXIX, at page 83, by providing for the addition thereto of Lamar County, and declaring an emergency."

H. B. No. 192, "An Act amending Article 2350 (4) of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 277, Acts of the Forty-fifth Legislature of Texas, Regular Session."

S. B. No. 132, "An Act providing for the construction, maintenance and operation of hospitals in Counties having a population of not less than 17,600 and not more than 17,700 according to the United States Census of 1930; providing for the levying of a direct tax of not more than ten cents on the valuation of \$100.00, by the Commissioners' Court, for the purpose of constructing, maintaining and operating such hospital; authorizing and empowering the Commissioners' Court to lease any County Hospital to be operated by the lessee under such terms and conditions as may be satisfactory to the Commissioners' Court and the lessee, and declaring an emergency."

H. C. R. No. 29, Authorizing the State Highway Department to lend scarifier, for use on County roads, to Grimes County, Texas.

Senate Bill 109 on Second Reading

Senator Van Zandt moved that the legislative rule adopted pursuant to Section 5 of Article III of the State Constitution, relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature, be suspended and that S. B. No. 109 be considered by the Senate at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Collie
Beck	Cotten
Brownlee	Graves
Burns	Hardin

Head	Roberts
Isbell	Shivers
Kelley	Spears
Lanning	Stone
Lemens	of Galveston
Martin	Stone
Metcalfe	of Washington
Moffett	Sulak
Moore	Van Zandt
Nelson	Weinert
Pace	Winfield
Redditt	

Absent—Excused

Hill Small

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 109, A bill to be entitled "An Act declaring all motor vehicle registration or license plates to be the property of the State Highway Commission of Texas until duly or lawfully purchased for use upon a motor vehicle owned by the purchaser thereof; declaring it unlawful for any tax assessor-collector, tax collector or other officer to sell, transfer, convey or otherwise deliver any registration or license plate for any consideration other than the full value thereof paid in lawful money, except in certain cases; declaring that any violation of the provisions of this Act shall constitute a misdemeanor and prescribing a punishment upon conviction; declaring the terms of this Act to be severable; repealing all laws in conflict herewith; and declaring an emergency."

The bill was read second time.

Senator Van Zandt offered the following amendments to the bill:

(1)

Section 1. That Section 1 of House Bill No. 6, Chapter 88, page 172, Acts Forty-first Legislature, Second Called Session, as amended by House Bill No. 32, Chapter 23, page 151, Acts Forty-first Legislature, Fifth Called Session, be amended so that the same shall read as follows:

"Section 1. Definition of Terms. The following words and terms, as used herein, have the meaning respectively ascribed to them in this Section, as follows:

(a) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or

drawn upon a public highway except devices moved only by human power or used exclusively upon stationary rails or tracks.

(b) "Motor Vehicle" means every vehicle, as herein defined, that is self-propelled.

(c) "Motorcycle" means every motor vehicle designed to propel itself on not more than three wheels in contact with the ground.

(d) "Truck-tractor" means every motor vehicle designed or used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(e) "Farm-tractor" means every motor vehicle designed and used primarily as a farm implement for drawing other implements of husbandry.

(f) "Road-tractor" means every motor vehicle designed or used for drawing other vehicles or loads, and not so constructed as to carry a load independently or any part of the weight of the drawn load or vehicle.

(g) "Trailer" means every vehicle designed or used to carry its load wholly on its own structure and to be drawn by a motor vehicle.

(h) "Semi-trailer" means every vehicle of the trailer type so designed or used in conjunction with a motor vehicle that some part of its own weight and that of its load rests upon or is carried by another vehicle.

(i) "Commercial motor vehicle" means any motor vehicle other than a motorcycle designed or used for the transportation of property, including every vehicle used for delivery purposes.

(j) "Passenger car" means any motor vehicle other than a motorcycle or a bus as defined in this Act designed or used primarily for the transportation of persons.

(k) "Department" means the State Highway Department, or its duly authorized officers or agents.

(l) "Owner" means any person, firm, association of persons or corporation holding the legal title to a motor vehicle.

(m) "Public highway" shall include any road, street, way, thoroughfare or bridge in this State not privately owned or controlled for the use of vehicles over which the State has legislative jurisdiction under its police power.

(n) "Motor bus" shall include every vehicle, except those operated by mus-

cular power or exclusively on stationary rails or tracks, which is used in transporting persons between or through two or more incorporated cities and or towns and/or villages for compensation (or hire), whether operated over fixed routes or otherwise; except such of said vehicles as are operated exclusively within the limits of incorporated cities and/or towns or suburban additions to such towns.

(o) "Farm-trailer" means every "trailer" as defined in sub-section (g) herein designed and used primarily as a farm vehicle.

(p) "Farm - semi - trailer" means every semi-trailer as defined in sub-section (h) herein designed and used primarily as a farm vehicle.

(q) By "operated or moved temporarily upon the highways" is meant the operation or conveying between different farms, and the operation or conveyance from the owner's farm to the place where his farm produce is prepared for market or where same is actually marketed and return.

Sec. 2. That Section 2 of House Bill No. 6, Chapter 88, page 172, Acts Forty-first Legislature, Second Called Session, as amended by House Bill No. 32, Chapter 23, page 151, Acts Forty-first Legislature, Fifth Called Session, be amended so that the same shall hereafter read as follows:

"Section 2. Every owner of a motor vehicle, trailer or semi-trailer used or to be used upon the public highways of this State shall apply each year to the State Highway Department through the County Tax Collector of the county in which he resides for the registration of each such vehicle owned or controlled by him for the ensuing or current registration year or unexpired portion thereof; provided, however, that corporations, either foreign or domestic, authorized to do business in Texas, may register motor vehicles, trailers or semi-trailers owned by such corporations in the county in which the principal office of such corporation is maintained, or in any county in which such corporation has maintained a bona fide agency for at least six months immediately prior to such registration and in which it does regularly operate such motor vehicle, trailer or semi-trailer; provided further that owners of farm tractors, farm-trailers, farm-semi-trailers, and implements of husbandry operated

or moved temporarily upon the highways shall not be required to register such farm-tractor, farm-trailers, farm-semi-trailers, or implements of husbandry; provided, however, that such farm-trailers and farm-semi-trailers are operated in conformity to all provisions of the law save and except the requirements as to registration and license; and providing further, that the exemptions as to registration and license; and providing further, that the exemptions of this Section shall not apply to any farm - trailer, or farm-semi-trailer when the gross weight exceeds 4,000 pounds; provided that no farm-trailer or farm-semi-trailer with metal tires shall be permitted to operate at a speed in excess of fifteen (15) miles per hour; and provided, further, that the exemptions of this section shall not apply to any farm-trailer or farm semi-trailer with steel tires of a width of less than three inches operating in excess of fifteen (15) miles per hour; and providing further, that the exemption in this Section shall not apply to any farm-trailer or farm-semi-trailer when the same is used for hire, provided, however, it shall be unlawful to operate any trailer or semi-trailer at night without a rear red light or reflector."

Sec. 3. That section 2a of House Bill No. 32, Chapter 23, page 151, Acts of Forty-first Legislature, Fifth Called Session, be and the same is hereby repealed.

Sec. 4. That House Bill No. 6, Chapter 88, page 172, Acts Forty-first Legislature, Second Called Session, as amended by House Bill No. 32, Chapter 23, page 151, Acts Forty-first Legislature, Fifth Called Session, be amended by adding between Section 2 and Section 3 of said Chapter 23 four new sections to be designated as Sections 2a, 2b, 2c, and 2d, and to read as follows:

"Section 2a. Every motor vehicle registration or license plate in the State of Texas is hereby declared to be the property of the State Highway Department of the State of Texas until duly and lawfully purchased by a person, firm, association or persons, or corporation to be used on his or its own motor vehicle, and it shall immediately become the duty of the Department of Public Safety upon receipt of notice from the State Highway Department giving the name and address of the person, license plate

numbers, and a description of the motor vehicle for which the license plates were issued to repossess the license receipt and to seize and remove from such motor vehicle, wherever found, all license plates issued in violation of this provision, and to forthwith return such license plates and license receipt to the State Highway Department at Austin, and no Tax Collector, Tax Assessor-Collector or other officer shall thereafter register any motor vehicle from which license plates have been removed by the Department of Public Safety, as above provided, except upon payment of the full year license fee provided herein plus any penalty which may be by law provided."

"Section 2b. It shall be unlawful for any Tax Assessor-Collector, Tax Collector or other officer charged with the duty of selling or distributing such registration or license plates under the laws of the State of Texas or for any other person to sell, exchange, transfer, convey or otherwise deliver any such registration or license plates to any person, firm, corporation or association of persons for any consideration other than the full value thereof as fixed by the law, paid in lawful money of the United States."

"Section 2c. Any Tax Assessor-Collector, Tax Collector or other officer charged with the duty of selling or distributing such registration or license plates under the laws of the State of Texas or any other person who shall sell, exchange, transfer, convey or otherwise deliver any such motor vehicle or license plates in violation of the provisions of this Act shall be guilty of unlawfully disposing of such registration or license plates and shall be guilty of a misdemeanor and upon conviction shall be fined a sum of not less than \$200.00 nor more than \$500.00 and each such sale of a license plate shall constitute a separate offense. Venue for the prosecution of any Tax Assessor-Collector, Tax Collector, officer or any other person for the violation of any of the provisions of this Act is hereby fixed in Travis County, Texas, in the proper Court having jurisdiction."

"Section 2d. Violation of any of the provisions of this Act by any Tax Assessor-Collector, Tax Collector or other officer charged with the duty of selling or distributing license plates under the laws of the State of

Texas shall constitute official misconduct in office and shall be sufficient grounds for the removal of said officer from office as provided by law."

Sec. 5. If any section, sub-section, paragraph, clause, or sentence of this Act for any reason be held invalid, such invalidity shall not affect the remaining portions of the Act, and the Legislature hereby declares that it would have enacted such remaining portions of this Act despite such invalidity.

Sec. 6. All laws or part of laws in conflict herewith are hereby repealed.

Sec. 7. The repeal or amendment of all, or any part, of any law of this State by the enactment of this Act, shall not affect or impair any act done, or right vested or accrued, or any proceedings, suit, or transaction had or commenced in any cause before such repeal or amendment shall take effect; but from such act done, or right vested or accrued, or prosecution had or commenced, shall remain in full force and effect to all intents, as if such law, or part thereof, as repealed or amended, had remained in force. No offense committed and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time when any such law, or part thereof, shall be repealed or amended by this Act, shall be discharged or affected by such repeal or amendment, but prosecutions and suits for such offense, liabilities, penalties or forfeitures, shall be instituted and proceeded with in all respects, as if such prior law, or part thereof, had not been repealed or amended.

Sec. 8. The public importance of the purposes sought to be accomplished by this Act creates an emergency and an imperative public necessity requiring that the Constitutional Rule providing that bills shall be read in each house on three several days be, and the same is hereby suspended, and that this Act shall take effect upon the passage thereof, and it is so enacted.

(2)

Amend the bill by striking out all before the enacting clause and inserting in lieu thereof the following:

"A bill to be entitled, an Act to repeal Section 2a, House Bill No. 32, Chapter 23, page 151, Acts 41st Legislature, 5th Called Session, and to add new Sections to be known as Sec-

tions 2a, 2b, 2c, and 2d, and to amend Sections 1 and 2 of House Bill No. 6, Chapter 88, page 172, Acts of the 41st Legislature, 2nd Called Session, as amended by House Bill No. 32, Chapter 23, page 151, Acts of the 41st Legislature, 5th Called Session to provide a definition of "Owner"; providing that corporations authorized to do business in Texas may register their motor vehicles, trailers, or semi-trailers in the county in which the principal office of such corporation is maintained or in any county in which such corporation has maintained a bona fide agency for not less than six months immediately prior to registration, and in which it does regularly operate such motor vehicle; declaring all motor vehicle license plates to be the property of the State Highway Department until duly and lawfully purchased for use upon a motor vehicle owned by the purchaser thereof and requiring the Department of Public Safety to repossess the license receipts and seize and remove plates issued contrary to the provisions of this Act and providing the manner of registration of such vehicles from which plates have been removed; declaring it unlawful for any Tax Assessor-Collector, Tax Collector or other officer or any other person to sell, transfer, convey or otherwise deliver any registration or license plates for any consideration other than the full value thereof, paid in lawful money of the United States; declaring that any violation of the provisions of this Act shall constitute a misdemeanor, and prescribing the punishment therefor upon conviction, fixing venue of such prosecutions in Travis County, Texas; declaring the terms of this Act to be severable; repealing all laws in conflict; providing for the continuance of all prosecutions under prior law, and declaring an emergency."

Question—Shall the amendments be adopted?

On motion of Senator Van Zandt, the bill, with pending amendments, was tabled subject to call.

Senate Bill 68 on Second Reading

Senator Van Zandt moved that the legislative rule adopted pursuant to Section 5 of Article III of the State Constitution, relative to the consider-

ation of bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 68 be considered by the Senate at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
•Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent—Excused

Hill

Small

The President laid before the Senate on its second reading and passage to third reading:

S. B. No. 68, A bill to be entitled "An Act to amend Article 2199 of the Revised Statutes by adding thereto provision for reading from the court reporter's notes; repealing conflicting law; and declaring an emergency."

The bill was read second time.

Senator Van Zandt offered the following amendments to the bill:

(1)

Amend Senate Bill No. 68 by striking out the following words between the first and second semi-colons of the printed bill:

"if there be such reporter and his notes can be read".

(2)

Amend Senate Bill No. 68 by striking out the words "from and after its passage" in Lines 33 and 34 of the printed bill and inserting in lieu thereof the following:

"on and after January 1, 1940".

The amendments were adopted severally.

On motion of Senator Van Zandt, the caption was amended to conform to changes in the body of the bill.

The bill then was passed to engrossment.

Senate Bill 68 on Third Reading

Senator Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 68 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Absent—Excused

Hill	Small
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The President then laid S. B. No. 68 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Absent—Excused

Hill	Small
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House Concurrent Resolution 33

The President laid before the Senate the following resolution, received from the House today:

H. C. R. 33, Changing the date for the joint session to hear an address by Hon. Nathan Straus.

The resolution was read, and by unanimous consent, it was considered at this time and was adopted.

Senate Bill 69 on Second Reading

Senator Van Zandt moved that the legislative rule adopted pursuant to Section 5 of Article III of the State Constitution, relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature, be suspended and that S. B. No. 69 be considered by the Senate at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Absent—Excused

Hill	Small
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The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 69, A bill to be entitled "An Act withdrawing from appearing party review in Court of Civil Appeals by means of writ of error; and declaring an emergency."

The bill was read second time.

Senator Van Zandt offered the following (committee) amendment to the bill:

Amend Senate Bill No. 69 by striking out the words "from and after its

passage" in Line 24 of the printed bill and insert in lieu thereof the following:

"on and after January 1, 1940".

The amendment was adopted.

On motion of Senator Van Zandt, the caption was amended to conform to the change in the body of the bill.

The bill then was passed to engrossment.

Senate Bill 69 on Third Reading

Senator Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 69 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Absent—Excused

Hill Small

The President then laid S. B. No. 69 before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Beck, Spears, Shivers and Burns asked to be recorded as voting "nay" on the passage of the bill.

Advance Printing of Bills

On motion of Senator Moffett, it was ordered that S. B. No. 167 be printed in advance of its consideration in committee.

On motion of Senator Shivers, S. B. No. 21 was ordered printed in advance of its consideration in committee.

Relative to Printing of Bills

Senator Stone of Washington asked unanimous consent of the Senate that the Chairman of the Committee on Public Printing be authorized to have bills mimeographed instead of printed whenever in his judgment it is more economical to do so.

There was no objection offered, and it was so ordered.

Executive Session

At 11:45 o'clock a. m., the President announced that the hour heretofore fixed for an executive session of the Senate had arrived.

The Sergeant-at-Arms was directed to clear the floor and galleries of all those not entitled to attend the executive session and to close all doors leading from the Senate Chamber.

After Executive Session

At the conclusion of the executive session, the Secretary of the Senate reported to the Journal Clerk that the Senate had rejected the following report:

Austin, Texas,
February 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations of the Governor, to whom was referred the following nomination:

To be Life Insurance Commissioner (term beginning February 10, 1939):

Truett Smith, of Tahoka, Lynn County.

Have had same under consideration and recommend that same be in all things confirmed.

SHIVERS, Chairman.

In Legislative Session

The President called the Senate to order, as in legislative session, at 12:10 o'clock p. m.

Senate Bill on First Reading

By unanimous consent, the following bill was introduced, read first time, and referred to the committee indicated:

By Senator Graves:

S. B. No. 177, A bill to be entitled "An Act to amend Article 3118 of R. C. S. of 1925, Article 3134 of R. C. S. of 1925, and Article 3139, as amended by S. B. No. 60, Chapter 15, Acts of the First Called Session of the Fortieth Legislature, as amended by S. B. No. 153, Chapter 264, Acts of the Regular Session of the Forty-fifth Legislature, so as to provide for the equal representation of men and women on political party precinct, county and state conventions and executive committees; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Privileges and Elections.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives, Austin, Texas, February 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. B. No. 159 by a vote of 114 ayes and 1 nay.

I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. B. No. 179 by a vote of 140 ayes and 0 nays.

Respectfully submitted,

E. R. LINDLEY, Chief Clerk,
House of Representatives.

Adjournment

On motion of Senator Van Zandt, the Senate, at 12:15 o'clock p. m., adjourned until 10:00 o'clock a. m., next Monday, February 13, 1939.

TWENTIETH DAY

(Monday, February 13, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 9, 1939, was dispensed with and the Journal was approved.

(President Pro Tempore Moore in the Chair.)

Senate Bills on First Reading

The following bills were introduced, read severally first time, and referred to the committees indicated:

By Senator Roberts:

S. B. No. 178, A bill to be entitled "An Act providing that in all counties having a total population of not more than fifteen thousand, seven hundred and twenty-five (15,725) and not less than fifteen thousand, seven hundred and fifteen (15,715), according to the last preceding Federal Census, and at the same time in all counties having a scholastic population of not more than five thousand and fifteen (5,015) and not less than five thousand and thirteen (5,013) according to the scholastic census of 1938-1939, any elementary school dis-